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Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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A review of the Universal Periodic Review mechanism

The UPR is an important procedure by which a country is given the opportunity to study so that with all potential and expertise learning to present its measures taken for the improvement of human rights within its society and on the opposite all other players (countries and civil society institutions) are given the opportunity to criticize and or encourage the country under review and inform others about their recommendations for the improvement of human rights in the country.

In the past, countries with strong influence and power were not under scrutiny and were not questioned in questioned in the Council or other intergovernmental institutions, but now they must provide answers to questions and criticisms regarding the human rights conditions of their own countries. The fact that the said process has an intergovernmental nature, in some cases plays a positive role in encouraging countries to challenge other countries human rights records. Also it gives NGOs a new opportunity to start a dialogue with countries, something that did not exist in the past. Nevertheless, the weak points of this mechanism is greatly undermines its objectives and principles, and as a nongovernmental organization we would like to highlight these weaknesses in this statement:

Selective approach toward countries:

Based on studies conducted to date, the selective method used by many countries in selecting issues with regards to countries under review, and how these issues are dealt with, the falseness of any collective commitment to the main principle of the UPR meaning "universal coverage and equal treatment of all countries" is proven.

Also the selective approach of countries during decision making regarding the time of participation in interactive dialogue, results in the creation of legitimate doubts with regards to the "universality and non-selectivity" of the process. In other words, when human rights is considered, the countries of a region have no particular interest in what is happening in another country.

Another negative point that is observed in this regard, particularly in the initial review sessions, is the lack of any form of criticism and recommendations regarding some countries by friendly and neighboring countries. This method in the UPR on Tunisia session reached a dangerous situation where the list of friendly countries speakers was so long that it seemed it was an organized effort to obstruct the process. A country's human rights situation will not be truly reflected in the working group reports, when the country under review is admired by neighboring countries and naturally reduce the possible realization of the first objective of the UPR," improvement of the real human rights conditions:"

The number and characteristics of the recommendations:

Because of comprehensive coverage of all aspects of human rights, the UPR mechanism is faced with an increasing number of recommendations in each session. The number of recommendations in the UPR sessions is gravely increasing. This can affect the quality of reveiwing the human rights situation in countries, and put quantity ahead of quality.

The lack of coordination between states results in the repetition of some questions and recommendations. This process and the repetition of a recommendation by several states, reduces some opportunities for an all sided review of the human rights situation of the target country.

Rejection of recommendations:

Although the UPR is a mandatory process for governments that are committed to it, but at the same time considers some level of freedom for the government under review. This is the weak as well as the strong point of this process. The assumption is that a recommendation can be rejected which is potentially contrary to international human rights

principles. The weak point is that a number of recommendations which are strong and specific and can make fundament.! changes in human rights mandate of the countries are rejected due to freedom in decision making of the state under review, in other words some recommendations are rejected by some countries without any given reason.

The lack of suitable mechanism for the assessment of the implementation of recommendations:

Although recommendations are the most important accomplishments and conclusions of the UPR, and must be implemented by the state under review, but to-date no suitable mechanisms have been considered regarding assessment of the implementation of the recommendations.

Finally, a number of countries where the human rights situations are very bad, do not have much political will to participate in the UPR and thus they weaken the capability of the UPR for accomplishing the considered objectives.

For example Israel's initial refusal to participate in the second round of the UPR was a hefty blow to the universality and non-selectivity and accountability of the other states to this mechanism. Although following long tug of war process and by imposing preconditions Israel finally accepted to participate in the session, but Israel's disregard of the UPR cannot be easily overlooked.

The Organization for Defending Victims of Violence belie es that the Council must set a mechanism in which the penalty for these sorts of actions be such that countries get deterred to do similar things.

Ultimately we believe that now there is a good opportunity for dealing with the removal of the weak points of the UPR mechanism and for this purpose the views and recommendations of NGOs must be considered alongside with those of the States.

The Organization for Defending Victims of Violence hopes that the lessons learned from the first round of the UPR, alongside the will of states for further distancing from politicized processes in the field of human rights, the second cycle of this process turns into a tool for the real improvement of human rights all over the world.